



**BUILDING AND STANDARDS COMMISSION
MINUTES**

**REGULAR MEETING
Wednesday, March 25, 2015**

The Building and Standards Commission convened in a regular meeting on Wednesday, March 25, 2015 at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Board Members in Attendance: David Brown, Chair; Steven Alloway, Vice Chair; Charles Cloutman, Commissioner; Jessica Mangrum, Commissioner; and Melissa Orren, Commissioner.

Chairman David Brown called the board meeting to order at 6:34 p.m.

Staff in Attendance: Christopher Moore – BSC Coordinator; Marcus Elliott – Acting Division Manager; Daniel Cardenas – Assistant Director; Robert Harris – Assistant City Attorney; Carl Smart – Director; Merlinda Coleman – Program Specialist; Edgar Hinojosa – Assistant Division Manager; Douglas Jansky – Administrative Hearing Coordinator; Chris Maldonado – Code Officer, BSC Inspector; Linda-Jo Mireider – Code Officer, East Team; Luis Gonzalez – Code Officer, East Team; Dedric Knox – Code Officer, East Team; Mike Carter – Code Officer, East Team; Michael Harrington – Code Officer, North Team; James Paxton – Code Officer, West Team; Robert Moore – Code Officer, Commercial Investigations; Mario Ruiz – Code Officer, Commercial Investigations; Troy Collins – Code Officer, Commercial Investigations; Brian Eberwine – Code Officer, North Team; Matthew Noriega – Assistant Division Manager; Marco Ramos – Code Officer, North Team; Moses Rodriguez – Code Officer, East Team.

1. CITIZEN COMMUNICATION: GENERAL

Stuart Hersh spoke to the Commission relative to why buildings are failing and provided copies of a special inspection field checklist that has been in place since 1988 for all multi-family and commercial development.

2. PUBLIC HEARINGS: BRIEFING, DISCUSSION, & POSSIBLE ACTION

Commission Coordinator, Chris Moore, presented the following cases:

A. APPEAL

CL-2015-016954

1207 Chestnut Avenue

Joel Bennett

Property owner withdrew appeal and staff came with an agreed order for discussion later.

B. CASES

CL-2015-015481

2412 East 11th Street

Robert Moore

The property is a single family residential structure. This case was represented by Robert Moore (owner) and Vanessa McGee (tenant).

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance with interior and exterior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2O; adopt the findings of fact and conclusions of law for 2412 East 11th Street and issue an order that requires the property owners or owner's representative to vacate the structure within 14 days; secure all necessary permits; correct the cited violations by repairing the structure within 60 days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representative to request inspection to verify compliance; be assessed the penalty of \$210 per week after 60 days if all work is not completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Discussion followed. Mr. Moore stated he could live with his daughter for 14 days as ordered. Commissioner Cloutman made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's order to correct violations within 60 days and make necessary repairs, with penalty recommended by staff. Chair Brown seconded the motion. The motion was approved unanimously.

CL-2014-105697 5710 East MLK Boulevard Southwest Key Programs Inc.

The property is a commercial structure currently abandoned and unoccupied. This case is represented by Teo Dikodena, Director of Social Enterprises for Southwest Key Enterprises; John Rife, Construction Manager for Green Energy and Construction.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and he Commission admit exhibits 1 and 2A through 2L; adopt the findings of fact and conclusions of law for 5710 East MLK Boulevard and issue an order that requires the property owners or owner's representatives to secure all necessary permits; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representative to request inspection to verify compliance; and be assessed the penalty of \$500 per week after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Representatives of property explained to the Commission that they are in the process of repairing the property. Repairs include demolition of the exterior material siding, removal of doors, basically making all requested repairs. Discussion followed. Commissioner Cloutman made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations within 45 days and make necessary repairs, with penalty recommended by staff. Commissioner Orren seconded the motion. The motion was approved unanimously.

CL-2015-015396 **1127 Terry Drive** **Martin & Francisca Ortiz**

The property is a single family residential structure currently unoccupied. This case was represented by the owners.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2J; adopt the findings of fact and conclusions of law for 1127 Terry Drive and issue an order that requires the property owner to secure all necessary permits; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner, repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representative to request inspection to verify compliance; and be assessed the penalty of \$250 per week after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Representatives of property requested a 60 day extension from the Commission to allow a sale of the property to take place. Requesting an extension so new owners can take time to assess and demolish or rebuild the property. Discussion followed. Commissioner Alloway made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations and amend 45 days to 60 days and make necessary repairs, with penalty recommended by staff. Commissioner Cloutman seconded the motion. The motion was approved unanimously.

CL-2015-015415

1198 Angelina Street

Isom Bradley, Jr.

The property is a single family residential structure currently occupied. This case was represented by Cheryl Bradley and Elaine Morris, the heirs of Isom Bradley, Jr.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of interior and exterior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2H; adopt the findings of fact and conclusions of law for 1198 Angelina Street and issue an order that requires the property owner or owner's representatives to secure all necessary permits; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner or owner's representatives; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; be assessed the penalty of \$210 per week after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Representative of property disputed contact with Tosha Rhodes regarding assistance offered. Some of the repairs have been started, but funding is not available. Discussion followed regarding request of appeal and appeal was denied. Discussion followed. Commissioner Mangrum made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations and amend 45 days to 60 days and make

necessary repairs, with penalty recommended by staff. Commissioner Orren seconded the motion. The motion was approved unanimously.

CL-2015-015390

1212 Bob Harrison Street

Stella Davis

1212 Bob Harrison Street is a single family residential structure currently unoccupied. This case was represented by Stella Davis Jasmine (owner) and Ray Yates (contractor).

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2H; adopt the findings of fact and conclusions of law for 1212 Bob Harrison Street and issue an order that requires the property owner or owner representatives to obtain all necessary permits to be secured; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner or owners representatives; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representative to request inspection to verify compliance; be assessed the penalty of \$250 per week after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Property representatives would like to demolish the structure, but permit was denied. Discussion followed regarding conflicts between Code Enforcement and Permits Department. Discussion followed. Commissioner Cloutman made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations but amended 45 days to 60 days for all necessary repairs to be completed, with penalty recommended by staff. Commissioner Orren seconded the motion. The motion was approved unanimously.

CL-2015-015460

1021 Arthur Stiles Road

John Justice, Jr.

1021 Arthur Stiles Road is a single family residential structure currently unoccupied. This case was represented by John Justice (owner) and Caroline Thompson (sister of owner).

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2K; adopt the findings of fact and conclusions of law for 1021 Arthur Stiles Road and issue an order that requires the property owner or owner's representatives to secure all necessary permits; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner or owners representatives; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representative to request inspection to verify compliance; be assessed the penalty of \$210 per week after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

The exhibits were admitted by Chair Brown. Property representative, John Justice discussed obtaining the necessary permits and getting the repair work done. Mr. Justice requested an extension from 45 days to 60 days. Discussion followed. Commissioner Alloway made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations and amend 45 days to 60 days and make necessary repairs, with penalty recommended by staff. Commissioner Mangrum and Commissioner Orren seconded the motion. The motion was approved unanimously.

CL-2015-015655

10712 Newmont Road

Daniel Andrade

10712 Newmont Road is a single family residential structure currently tenant unoccupied. This case was represented by Dan Andrade (owner).

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior and interior substandard conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2U; adopt the findings of fact and conclusions of law for 10712 Newmont Road and issue an order that requires the property owner or owner's representatives to secure all necessary permits; correct the cited violations by repairing the structure within 45 days from the date the order is mailed to the owner or owner's representatives; repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representatives to request inspection to verify compliance, and be assessed the penalty of \$500 per week after 45 days if all work has not been completed with final inspections passed; in lieu of repair, demolition and removal of the structure and all associated materials in and around the structure shall also be deemed achieving compliance with this order is completed within 45 days of the date the order is mailed to the owner. If compliance is not achieved within 45 days, the code official may proceed with the demolition of the structure and will consider all portions of the structure including items in and around the structure as debris and dispose of such; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

The exhibits were admitted by Chair Brown. Owner of the property discussed repairs, demolition and restoration. Discussion followed. Commissioner Cloutman a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations and amend 45 days to 60 days and the inclusion or addition of a binder from the owner to give Austin Code a signed work order with a time stamp that will be finished by the end of this order so the owner can be in compliance; and if not in compliance in 60 days then the agreed order is \$500 per week until it is finished. Commissioner Alloway seconded the motion. The motion was approved unanimously.

CL-2015-026450

4004 Idlewild Road

John Herncir

4004 Idlewild Road is a single family residential structure currently homesteaded. This case was represented by John Herncir (owner).

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of substandard accessory structure.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2E; adopt the findings of fact and conclusions of law for 4004 Idlewild Road and issue

an order that requires the property owner or owner's representatives to secure all necessary permits; require all portions of the accessory structure located on the property to be demolished, removed and left in a clean and raked condition within 45 days from the date the order is mailed to the owner or owner's representatives; order the property around the structure to be fenced and secured until the demolition is complete; require the owner or owner's representatives to request inspection to verify compliance; if compliance is not achieved within 45 days the Code official may proceed with the demolition and will consider all portions of the accessory structure as debris and dispose of such; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Owner of the property agrees with the demolition order. Discussion followed. Commissioner Mangrum made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's orders to correct violations within 45 days with no revisions. Commissioner Cloutman seconded the motion. The motion was approved unanimously.

CL-2015-015472 4411 Guadalupe Street, Unit 12 D.P. and Maria Hunter
The property is a condominium associated with a complex. It is owner occupied. Case was not represented.

The case was presented to the Commission, but during discussion among the commission members, it was determined that notice was not served to the HOA of the condominium.

Staff recommended the following to the Commission: To advance the case to next meeting so that proper notice can be served to all parties.

Commissioner Cloutman made a motion to place the case in abeyance until proper notice has been served to all appropriate parties. Commissioner Alloway seconded the motion. The motion was approved unanimously.

CL-2014-105697 1127 East 52nd Street Walter Olenick and M. Rae Nadler
The property is a multi-family structure (11 unit apartment complex). The case was not represented.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of substandard and dangerous conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits, 2 and 3, which consists of Code's photographs marked 2A through 3N; adopt the findings of fact and conclusions of law for 1127 East 52nd Street and issue an order that requires the property owner or owner's representatives to secure all necessary permits; submit an engineer's report; complete emergency repairing and shoring of the fire damaged area within 7 days from the date the order is mailed to the owner or owner's representatives; correct the cited violations within 45 days the order is mailed to the owner; order all repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; be assessed the penalty of \$1,000 per day after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Discussion followed. Commissioner Cloutman made a motion to adopt recommended order and amend the timeframe from 45 days to 30 days. Commissioner Alloway seconded the motion. The motion was approved unanimously.

CL-2015-015489

6905 Carwill Drive

STACM, LLC

6905 Carwill Drive is a single family residential structure that is currently unoccupied and not homesteaded. Case is not represented, but attorney for owner did submit a statement to Commission.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard and unsanitary conditions.

Staff recommended the following to the Commission: for the Commission to admit exhibits 1 and 2A through 2J; adopt the findings of fact and conclusions of law for 6905 Carwill Drive and issue an order that requires the property owner or owner's representatives to secure all necessary permits; correct the cited violations by repairing structure within 45 days from the date the order is mailed to the owner; order all repair or make all modifications to meet or exceed requirements of all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; be assessed the penalty of \$250 per day after 45 days if all work has not been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Discussion followed. Commissioner Cloutman made a motion to adopt recommended order. Commissioner Orren seconded the motion. The motion was approved unanimously.

CL-2015-016954

1207 Chestnut Avenue

Joel Bennett

1207 Chestnut Avenue is a single family residential structure that is currently unoccupied and not homesteaded. Case is not represented. It should be noted owner was aware of the hearing but did not attend. Furthermore, it should be noted Code did engage the owner prior to the hearing regarding the terms, conditions and findings of a recommended proposed agreed order.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 of the Austin City Code and is therefore a public nuisance of exterior substandard and unsanitary conditions.

Staff recommended the following agreed order to the Commission: for the Commission to admit exhibits 1 and 2A through 2I; adopt the proposed agreed order which you adopt the findings of fact and conclusions of law for 1207 Chestnut Avenue and issue an order that requires the property owner or owner's representatives to secure all necessary permits; shore and stabilize the foundation within 14 days from the date this order is mailed to the owner; secure all necessary permits within 30 days from the date this order is mailed to the owner; and all repairs shall be completed with final inspections passed within 89 days from the date this order is mailed; require all repairs or modifications shall meet or exceed requirements of all applicable codes; require the owner or owner's representatives to request inspection to verify compliance; and be assessed the penalty of \$250 per week until all work has been completed with final inspections passed; and order the City to assess its expenses against the property unless exempted by the Texas Constitution, which also

includes a lien for all expenses incurred by the City that will be filed with the Travis County deed records if the City incurs expenses consistent with this order to vacate, secure, remove or demolish the building or relocate the occupants.

Chair Brown admitted the exhibits as evidence. Discussion followed. Commissioner Alloway made a motion to adopt recommended order. Commissioner Mangrum seconded the motion. The motion was approved unanimously.

A motion was made by Commission Alloway to extend the meeting beyond 10 p.m. was made at 9:50 p.m. Commissioner Mangrum seconded the motion. The motion was approved unanimously.

3. APPROVAL OF MINUTES:

- A.** March 25, 2015 – Building & Standards Commission’s Minutes. Commissioner Orren moved to accept the minutes; Commissioner Alloway seconded. Motion was approved unanimously.

4. STAFF BRIEFINGS AND UPDATES:

A. 3101 Govalle Avenue

Code Officer Troy Collins provided an update to the Commission regarding 3101 Govalle Avenue. He reminded the Commission that an order was issued on December 10, 2014 that called for the property owners to abate the interior and exterior of the property and to board & secure the structure and premises with fencing. The property owners did not comply with either the abatement or the boarding and securing of the structure and property. Code boarded and secured the structure and premises. Discussion followed.

B. 1512 Wheless Avenue

Assistant Division Manager Matthew Noriega provided an update to the Commission regarding 1512 Wheless Avenue. He reminded the Commission that an order was issued on December 10, 2014 that called for the property owners to submit an engineer’s report and a detailed plan of the repairs to be made to Code. To date the owners have failed to submit both the report and a detail plan of the repairs. Discussion followed. The Chair requested the case with notice given to the owners, be brought back to the Commission at next month’s meeting to question the owner and to possibly modify the December 10th Order.

5. FUTURE AGENDA ITEMS

1512 Wheless Avenue:

6. ADJOURN

Chair Brown adjourned the meeting at 10:15 p.m. without objection.